

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
EASTERN DIVISION (BOSTON)

WILLIS PADON and	)	
KAREN PADON	)	C.A. NO.: 22-10602
Plaintiffs	)	
	)	
v.	)	
WINEBRENNER TRANSFER, INC. and	)	
MARK KOLOS	)	
	)	
Defendants	)	

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**NOTICE OF REMOVAL TO ALL ADVERSE PARTIES**

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NOTICE IS HEREBY GIVEN that on Tuesday, April 19, 2022, Defendants Winebrenner Transfer, Inc. and Mark Kolos, filed a Motion for Removal of this action in the United States District Court for the District of Massachusetts. A copy of the Motion for Removal so filed is attached hereto with exhibits.

This Notice is served upon you as a party to this action in compliance with 28 U.S.C. §1446 (d).

THE DEFENDANTS,  
WINEBRENNER TRANSFER, INC. and  
MARK KOLOS  
BY THEIR ATTORNEY,

DATED: April 21, 2022

/s/ Thomas J. Fay, Esq.  
Thomas J. Fay, Esq. (BBO#551812)  
Email: [TFay@boyleshaughnessy.com](mailto:TFay@boyleshaughnessy.com)  
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CERTIFICATE OF SERVICE

Pursuant to Mass. R. Civ. P. 5(a) and/or Sup. Ct. R. 9A, I, the undersigned, do hereby certify that a copy of the foregoing document has been served electronically via the ECF system on all parties or their representatives in this action as listed below this 21<sup>st</sup> day of April, 2022:

Counsel for Plaintiff  
William J. Raymond, Esq.  
Claudine A. Cloutier, Esq.  
Keches Law Group, P.C.  
2 Lakeshore Center, 3<sup>rd</sup> Fl  
Bridgewater, MA 02324

/s/ Thomas J. Fay, Esq.

☐ Thomas J. Fay, Esq. (BBO# 551812)

***Counsel for Winebrenner Transfer, Inc.***

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
EASTERN DIVISION (BOSTON)

WILLIS PADON and	)	
KAREN PADON	)	C.A. NO.: 22-10602
Plaintiffs	)	
	)	
v.	)	
WINEBRENNER TRANSFER, INC. and	)	
MARK KOLOS	)	
	)	
Defendants	)	

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**MOTION FOR REMOVAL BY DEFENDANTS, WINEBRENNER TRANSFER, INC. and  
MARK KOLOS**

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TO THE JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT  
OF MASSACHUSETTS (EASTERN DIVISION):

The motion of defendants, Winebrenner Transfer, Inc. and Mark Kolos. (hereinafter “defendants”), by their attorneys, Boyle | Shaughnessy Law P.C., for removal of this action from the Norfolk Superior Court of the Commonwealth of Massachusetts, County of Norfolk, Massachusetts, to the United States District Court for the District of Massachusetts (Eastern Division), respectfully shows:

FIRST: That the petitioners herein are defendants in a civil action brought against them in the Norfolk Superior Court of the Commonwealth of Massachusetts, County of Norfolk, Massachusetts, entitled “Willis Padon and Karen Padon v. Winebrenner Transfer, Inc. and Mark Kolos” This action bears Civil Action No.: 2282CV00161.

SECOND: That the subject action was commenced by the filing of a Complaint alleging negligence against the defendants, on or about March 25, 2022. (See the *Complaint* attached hereto as **Exhibit A.**)

THIRD: The defendant filed a responsive pleading to the Plaintiff's Complaint on or about April 14, 2022. (See *Answer of the Defendants, Winebrenner Transfer, Inc. and Mark Kolos*, attached hereto as **Exhibit B**.)

FOURTH: That as set forth in the Complaint, the plaintiffs are individuals who reside in Randolph, Massachusetts.

FIFTH: The defendant, Winebrenner Transfer, Inc., is a Maryland corporation registered to do work in the Commonwealth of Massachusetts with a principal place of business located at 15109 National Pike, Hagerstown, MD.

SIXTH: The defendant, Mark Kolos, is an individual who resides in Martinsburg, West Virginia.

SEVENTH: As demonstrated by and through Plaintiff's Original Petition, the matter in controversy exceeds seventy-five thousand and 00/100 dollars (\$75,000). (See Civil Cover Sheet of Exhibit A, which indicates medical expenses and lost wages beginning at \$165,000, with additional expenses to be determined.)

EIGHTH: That, by reason of the above, the above-captioned action is a civil action brought in a state court of which the United States District Courts have original jurisdiction under the provisions of Title 28, U.S.C. Section 1332, and is one which may be removed to this Court by the petitioners, defendants therein, pursuant to the provisions of Title 28, U.S.C. Section 1332(a) and Sections 1441 and 1446.

NINTH: There is diversity of citizenship under 28 U.S.C. § 1332 (a), where one defendant is a Maryland corporation with a principal place of business in Maryland, the other defendant is a resident of West Virginia, and plaintiffs are residents of Massachusetts.

WHEREFORE, the petitioner prays that this cause proceed in this Court as an action properly removed thereto.

THE DEFENDANTS,  
WINEBRENNER TRANSFER, INC. and  
MARK KOLOS  
BY THEIR ATTORNEY,

DATED: April 21, 2022

/s/ Thomas J. Fay, Esq.

Thomas J. Fay, Esq. (BBO#551812)  
Email: [TFay@boyleshaughnessy.com](mailto:TFay@boyleshaughnessy.com)  
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Boston, MA 02111  
Phone: (617) 451-2000  
Fax: (617) 451-5775

CERTIFICATE OF SERVICE

Pursuant to Mass. R. Civ. P. 5(a) and/or Sup. Ct. R. 9A, I, the undersigned, do hereby certify that a copy of the foregoing document has been served via first-class mail postage pre-paid on all parties or their representatives in this action as listed below this 21<sup>st</sup> day of , April, 2022:

Counsel for Plaintiff  
William J. Raymond, Esq.  
Claudine A. Cloutier, Esq.  
Keches Law Group, P.C.  
2 Lakeshore Center, 3<sup>rd</sup> Fl  
Bridgewater, MA 02324

*/s/ Thomas J. Fay, Esq.*

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☐ Thomas J. Fay, Esq. (BBO# 551812)

***Counsel for Winebrenner Transfer, Inc.***